IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS Nos 1691 & 3274 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SHITALBEN VIJAYKUMAR JOSHI

Versus

STATE OF GUJARAT

Appearance:

MR RJ GOSWAMI for Petitioners

Mr.A.J.Desai, learned A.G.P. for the respondents.

CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 01/05/2000

COMMON ORAL JUDGEMENT

Learned counsel for the petitioners has submitted that the value of the contents of both the vehicles comes out to be Rs.1.29 lacs. This factual position has not been disputed. Learned counsel for the petitioners

submits that he is prepared to give bank guarantee for a sum of Rs.1.29 lacs in respect of both the vehicles. However,the respondents are insisting that this bank guarantee should be separately deposited as Rs.1.29 lacs for each of the two vehicles. In the facts and circumstances of these cases, it is directed that if the bank guarantee of a total sum of Rs.1.29 lacs is given jointly on behalf of the petitioners, the same should be treated as sufficient for the purpose of releasing the truck bearing No.GJ-7X-5522 and DCM Toyota bearing No.GJ-3T-266 and thereupon the vehicles be released in accordance with law. The petitioners shall not transfer or alienate the vehicles in question in any manner till the main controversy is finally decided by the concerned authority. Both these petitions are hereby partly allowed in the terms as aforesaid and the Rule is made absolute accordingly. No order as to costs. Direct service is permitted.

(M.R.Calla,J)